



Docket No.: 47275CON(71742)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Steven F. Dowdy et al.

Application No.: 10/680,576

Confirmation No.: 5251

Filed: October 6, 2003

Art Unit: 1636

For: INDUCIBLE REGULATORY SYSTEM AND
USE THEREOF

Examiner: T. A. McKelvey

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed May 4, 2005, Applicant hereby provisionally elects Group I, claims 36-37 and claims 39-51, as they depend from the elected claims; in response to the first species requirement relating to regulatory species recited in claims 40 and 41, Applicants elect the T7 RNA polymerase promoter; in response to the second species requirement that relates to transactivation domain species recited in claims 43 and 44, Applicants elect a transactivation domain obtained from Gal4. This election is made with traverse.

As an initial matter, Applicants note that they believe that the Restriction Requirement contained a typographical error with respect to the second species requirement, relating to claims 43 and 44. Claims 43 and 44 recite "transactivation domains" not "transduction domains." Applicants believe that the Examiner's use of the term "transduction" was a typographical error. Accordingly, Applicants have elected a "transactivation domain" from Gal4. Should Applicants' understanding be in error, the Examiner is invited to contact the undersigned agent to resolve this matter.

Applicant respectfully requests reconsideration of the Restriction Requirement as set forth. For example, it is believed that no undue burden would be imposed by examination of Groups I and II, because searches for these two groups would overlap significantly. Accordingly, it is requested that the restriction requirement be reconsidered and the elected claims of Group I be joined to those of Group II.

A petition for a three month extension of time is submitted herewith. Applicant notes that September 4, 2005, was a Sunday, and September 5, 2005, was a federal holiday. Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Early consideration and allowance of the application are earnestly solicited.

Dated: September 6, 2005

Respectfully submitted,

By 

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MS Amendment
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Alexandria, VA 22313-1450

on September 6, 2005
Date

Eileen M Woodbury

Signature

Eileen M. Woodbury

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 439-4444
Telephone Number

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Three Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)
 Fee Transmittal (1 page)
 Response to Restriction Requirement (with Traverse) (2 pages)
 Charge \$1,020.00 to deposit account 04-1105